

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

WP(C).No. 17885 of 2007(D)

PETITIONER:

**N.MANIKANDAN NAIR,
S/O.LATE M.NARAYANA PILLAI, AGED 52 YEARS,
EMPLOYED AS SUB INSPECTOR, C.I.S.F. UNIT,
N.T.P.C. KAYAMKULAM, ALAPPUZHA DISTRICT AND
PERMANENTLY RESIDING AT 'SIVAGANGA', KALATHARA,
MANCHA P.O., THIRUVANANTHAPURAM.**

**BY ADV. SRI.G.P.SHINOD,
SRI.RAM MOHAN.G,
SRI.MANU V..**

RESPONDENTS:

- 1. THE DIRECTOR GENERAL, C.I.S.F.
C.G.O.COMPLEX, LODHI ROAD,
NEW DELHI.**
- 2. THE DEPUTY INSPECTOR GENERAL
(TRAINING), C.I.S.F, BLOCK NO.13,
CGO COMPLEX, LODHI ROAD, NEW DELHI.**
- 3. ASSISTANT COMMANDANT, C.I.S.F UNIT,
N.T.P.C, KAYAMKULAM, ALAPPUZHA DISTRICT.**

BY SRI. P. PARAMESWARAN NAIR, ASST. S.G.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12/06/2007,THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K. BALAKRISHNAN NAIR, J.

W.P.(C) No.17885 of 2007 (D)

Dated this the 12th June, 2007.

JUDGMENT

The petitioner has approached this Court, alleging that he is being sent to Rajasthan for temporary duty at the training centre for fresh recruits. According to him, he has not been served with any transfer order or movement order. He will be served with the movement order and he will soon be relieved immediately. If he is sent to Rajasthan now, it will cause serious personal inconveniences. Those matters are detained in the writ petition. So, he seeks the following reliefs:

- "i. issue a writ of mandamus or any other appropriate writ order or direction commanding the respondents to retain the petitioner at the C.I.S.F. Unit at NTPC, Kayamkulam without assigning him any posting or temporary duty at the RTC, Deoli-II, Rajasthan or at any other Unit/Stations.
- ii. issue a writ of certiorari or any other appropriate writ, order or direction calling

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for the records leading to the order of the second respondent assigning ,temporary duty to the petitioner at RTC or C.S.I.F. At Deoli-II, Rajasthan and quash the same.

iii. Grant such other reliefs that are deemed fit and necessary in the facts and circumstances of this case."

2. This Court directed the counsel for the respondent to get instructions. He has got written instructions in the matter, which reads as follows:

i) A message received on 07.06.2007 from Senior Commandant, CISF Unit SDSC SHAR vide No.E-37014/CISF/SDSC/AD.II/V.C./2007/568 dated 4th June 2007 regarding detailment of personnel to CISF Training Institutes as Instructors on temporary duty. According to that message issued under the authority of IG/SS CISF Chennai message No.E-37023/T. Duty-Instructor/Trg./SS/07/1323 dated 17.5.2007, No.883280094 Sl/Exe. N.Manikandan Nair was required to report at CISF RTC-II, Deoli by 05.06.2007 positively as ordered by CISF Hqrs., New Delhi. It is pertinent to mention here that he is a qualified indoor instructor.

ii) In order to comply with the orders Sl/Exe.N.M.K.Nair was directed vide Movement Order No.E-42099/MO.TD/13/ADM/

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2007/379 dated 7th June 2007 to move for CISF RTC-II Deoli on temporary duty on 07.06.2007/AN.

- Iii) But, he refused to receive the movement order. When the refusal was reported, the Assistant Commandant, CISF Unit NTPC Kayamkulam signed an order of suspension of the individual with immediate effect on 08.06.2007 vide order No.V-15014/Disc/Adm/2007/1131.
- iv) However, Sl/Exe N.M.K.Nair appeared before the Assistant Commandant, CISF Unit NTPC Kayamkulam on 08.06.2007 and informed that he was ready to move to CISF RTC-II Deoli and requested, to give him time to settle some urgent domestic requirements and make reservation for his journey. His plea was sympathetically considered by the Assistant Commandant and the proposal to place him under suspension was dropped/cancelled. He submitted an application, dated 08.06.2007 requesting for issue of the railway warrant for making the reservation of the journey ticket from Kayamkulam to Kota. He received railway warrant on 08.06.2007.
- v) Then he applied for one day's Casual Leave for 11.06.2007 and permission to avail 10.06.2007 Sunday along with it to dispatch his family home. The leave was granted and

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it was decided to relieve him for RTC-II Deoli on 12.6.2007 (AN).

vi) He has submitted a representation dated 8.6.2007 addressed to the DIG/Training CISH HQrs., New Delhi requesting to exempt him from temporary duty to any training institutions, which has been forwarded to the Group Commandant, CISH Unit NTPC Kayamkulam letter No.E-37023/Cours/Adm./2007/380 dated 11.06.2007 for onward submission to higher formation."

3. The above instructions would show that the petitioner has not placed the correct facts before this Court. Therefore, this writ petition is liable to be dismissed. I do so.

But the submission of the learned counsel for the respondents that the petitioner will be sent back immediately on completion of the period of temporary assignment, which may be over by six months, is recorded.

**K. BALAKRISHNAN NAIR,
JUDGE.**

vav.